

MEMO ENDORSED

Gregory Zimmer, Esq.

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GZimmer@GZimmerLegal.com
O: (914) 402-5683
M: (516) 991-1116

August 20, 2021

VIA ECF

Honorable Valerie Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Caproni:

I represent Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Dr. Michael M. Goldberg, M.D. (“Dr. Goldberg”) in the above-referenced matter. We write to request that the Court grant us a brief, one-week extension of the deadline for disclosure of expert witnesses set forth in the Stipulation and Order entered by the Court on July 29, 2021 (the “Discovery Order”), which is currently set for today, August 20, 2021. The reason for this request is that the expert that Dr. Goldberg intended to disclose on or before the deadline informed us late Wednesday, August 18, 2021, that he was leaving his firm for an in-house position that prevented him from continuing his expert witness services. This announcement came without any prior warning. Though we have worked diligently to identify and retain a substitute expert before today’s deadline we have been unable to do so on such short notice, especially in light of summer vacation schedules that has impacted the availability of potential substitutes. We requested consent of counsel for Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc. (“Navidea”) and Third-Party Defendant Macrophage Therapeutics, Inc. (“Macrophage”) for this requested extension by e-mail and offered to work together to adjust internal deadlines in the Discovery Order to account for the extension while maintaining the November 30, 2021 close of all expert discovery, but have not received a response as of the time of the filing of this letter.

Dr. Goldberg therefore respectfully requests that the Court grant his request for a one-week extension of the deadline to disclose expert witnesses and the general subject matter of their intended testimony.

Thank for your attention to this matter.

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Respectfully submitted,

/s/ Gregory Zimmer, Esq.

Gregory Zimmer, Esq.
360 Lexington Avenue, Suite 1502
New York, NY 10017
(914) 402-5683
GZimmer@GZimmerLegal.com

cc: Barry Kazan, Esq.
Alain Baudry, Esq.

Application GRANTED. No later than **August 27, 2021**, each party must provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(A) with the name, curriculum vitae, and general subject matter of testimony of any expert it may use in its case-in-chief. All other deadlines remain the same.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

8/23/2021